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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

FEB 20 2014

William J. Fraser, ICMA-CM
City Manager
City of Montpelier
39 Main Street
Montpelier, Vermont 05602

Re: Transfer of Modified PCB Risk-Based Disposal Approval under 40 CFR § 761.61(c)
Former Carr Lot Property

Dear Mr. Fraser:

By this letter, EPA Region 1 grants the request of the City of Montpelier ("the City") for the transfer to the City of the *PCB Risk-Based Disposal Approval under 40 CFR § 761.61(c)* (the "Approval"), dated July 29, 2009 and modified December 14, 2011, concerning property located on Taylor Street ("the Property") in Montpelier, Vermont. The Modified Approval (which term shall include both the Approval and its December 14, 2011 modification), originally issued to Mr. Allan Carr, is hereby transferred to the City, effective commencing upon the date of the City's receipt of this letter.

The Approval authorized Mr. Carr to conduct a PCB cleanup at the Property which included removal of PCB-contaminated soils with greater than (" $>$ ") 5 parts per million ("ppm") and capping of PCB-contaminated soils with less than or equal to (" \leq ") 5 ppm beneath an asphalt cover. In the December 14, 2011 modification, EPA approved construction of an interim roller-compacted fine crushed gravel cap under- laid with a geotextile fabric in lieu of the final asphalt cover, until December 31, 2014.

Under the terms of the Modified Approval, Mr. Carr developed a monitoring and maintenance plan for the interim cap and recorded a Notice to the City of Montpelier Land Record on July 19, 2013.

In accordance with Condition 15 of Attachment 1 to the Modified Approval, on October 21, 2013 Mr. Carr notified EPA of the upcoming sale of the Property to the City.

On December 30, 2013, EPA received the *September 2013 Amendment #2 to the Corrective Action Plan ("CAP") and the EPA Approval ("Amendment #2")*, which stated that the City was working to acquire the Property from Mr. Carr. Amendment #2 pertained to the proposed redevelopment plans for the Property which includes a multi-use building, parking lot, a park with green space and a riverfront pedestrian path. The Vermont Department of Environmental Conservation ("VTDEC") approved Amendment #2 on December 26, 2013.

By email dated December 31, 2013 the City wrote to advise EPA Region I that it was in the process of acquiring the Property and that it would assume all obligations under the Modified Approval as the Property owner.

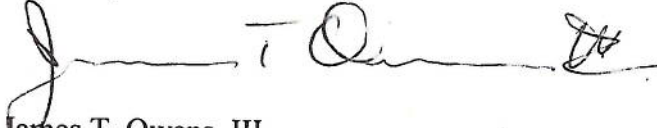
By email dated February 5, 2014 EPA was notified that sale of the Property from Mr. Carr to the City was executed on January 2, 2014.

Based on EPA Region 1's review of the information provided by Mr. Carr and the City, and in accordance with Condition 15 of Attachment 1 to the Modified Approval, EPA Region 1 hereby transfers the Modified Approval to the City, subject to the following conditions:

1. The Modified Approval (attached hereto as Attachments 1 and 2) is incorporated herein by reference and shall be in full force and effect and binding on the City, commencing upon the date of the City's receipt of this letter. The City shall assume the remaining obligations under the Modified Approval arising after the date of receipt of this letter, which shall include but not be limited to, the ongoing monitoring and maintenance requirements of the interim cap and construction of a final asphalt cap. The City and any future transferees of the Property will be subject to, and have the benefit of Condition 15 of Attachment 1, in connection with any subsequent sale, lease, or grant of the Property after the date the City acquires title thereto.
2. The City shall provide written notification to EPA of its acceptance of and intention to comply with the terms and conditions of the Modified Approval within 10 business days of receipt of this letter.
3. The City shall submit documentation of its title to the Property and of a currently recorded deed restriction in accordance with the Modified Approval within 15 business days of receipt of this letter.
4. Upon finalization of its redevelopment plans for the Property, the City shall submit these plans to EPA as required under the Modified Approval. In the event that the redevelopment is not commenced by October 31, 2014 and the Property is still being used for parking, the City must submit a request for an extension of the December 31, 2014 expiration date for the interim cap unless a final asphalt cap is constructed.

Should you have any questions regarding this matter, please call Kimberly Tisa at (617) 918-1527.

Sincerely,

A handwritten signature in black ink, appearing to read "James T. Owens, III", with a stylized flourish at the end.

James T. Owens, III
Director, Office of Site Remediation & Restoration

Attachment 1

Attachment 2

cc: Allan R. Carr
Matthew Becker, VTDEC
Leo A. Bisson, Primmer Piper Eggleston & Cramer PC
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